

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Michael J. Sullivan *et al.*

Application Serial No.: 10/789,288

Group Art Unit: 3711

Filed: February 27, 2004

Examiner: HUNTER, ALVIN A

For: GOLF BALL WITH NON-CIRCULAR
DIMPLES

Attorney Docket No. B04-07

TERMINAL DISCLAIMER

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Petitioner, Troy R. Lester, represents that he is the Assistant Secretary and Chief Patent Counsel for Acushnet Company, the assignee of the entire right, title and interest in and to the instant application by virtue of an assignment from Michael J. Sullivan to Acushnet Company recorded at reel 015040 and frame 0137.

Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application that would extend beyond the expiration date of the full statutory term of U.S. Patent Nos. 6,569,038 and 6,709,349 ("prior patents"), as such term is defined in 35 U.S.C. §§ 154 and 173 and presently shortened by any terminal disclaimer.

Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. Petitioner further agrees that this agreement is to run with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 and 173 of the prior patent, "as the term of the prior patent is presently shortened by any terminal disclaimer," in the event that any of the prior patents later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court

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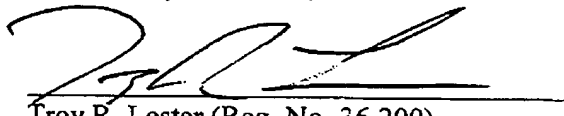
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of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Petitioner hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. Statement under 37 C.F.R. § 3.73(b) is submitted herewith.

Please charge the terminal disclaimer fee under 37 C.F.R. § 1.20(d) to the Acushnet Company Deposit Account No. 502309.

Respectfully submitted,


Troy R. Lester (Reg. No. 36,200)
Chief Patent Counsel

Date: June 17, 2005

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